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May 21, 2008

Magistrate Judge William D. Wall
United States District Court
814 Federal Plaza
Central Islip, New York 11722-4451

Re: Alfaro v. Town of Southampton
Docket 06-CV-1470(J.S.)(W.D.W.)
Our File # NM4881W9

Honorable Magistrate Judge Wall:

We are the attorneys for the defendants (with the exception of Mees). We write to request clarification from the Court as to the deadline for the submission of the Joint Pre Trial Order in the event dispositive motion practice has been begun prior to the Conference on June 17, 2008.

This Court's initial Scheduling Order provides that, "in the event that there are dispositive motions pending, the joint pre trial order shall be filed with the court within sixty (60) days after a decision is made by Judge Seybert on the motion". Since the initial scheduling Order was entered, discovery has been extended, and the current deadline under for the commencement of dispositive motion practice is June 4, 2008. The Court's most recent Order directs that the joint pre trial order be filed on or before the pre trial conference of June 17, 2008, without reference to dispositive motion practice.

The defendants, inclusive of Mees, plan to move for summary judgment and will have Rule 56.1 statements filed in timely fashion in accord with Judge Seybert's rules. We respectfully request clarification from the Court as to whether the filing of such statements extends the filing of the Joint Pre Trial Order in accord with the initial scheduling Order or whether that order is superseded by the Order of May 16, 2008.

Your Honor's consideration of this matter is greatly appreciated.

Magistrate Judge William D. Wall

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Respectfully submitted,

DEVITT SPELLMAN BARRETT, LLP

_____/S/_____
By: David H. Arntsen (DA 7472)

DHA:pp

cc: *Via ECF only:*

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